

## **EXHIBIT 2**

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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IN RE: NATIONAL FOOTBALL	:	No. 2:12-md-02323-AB
LEAGUE PLAYERS' CONCUSSION	:	MDL No. 2323
INJURY LITIGATION	:	
THIS DOCUMENT RELATES TO	:	<b>Hon. Anita B. Brody</b>
SPID No. 100003594	:	
	:	

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**SETTLEMENT IMPLEMENTATION DETERMINATION**

Before this Court is a filing by Retired Player Davenport that is styled as an objection. Davenport's claim was approved by the Claims Administrator. The NFL Parties appealed. On appeal, the Special Masters remanded Davenport's claim to the Claims Administrator to seek further explanation from Davenport's doctor. Doc. No. 227515, at 12. Davenport then filed a purported objection without having completed the remand. Doc. No. 227737.

This "objection" is procedurally improper under the Rules Governing Appeals of Claim Determinations.<sup>1</sup> Davenport must proceed with the remand that the Special Masters ordered.

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<sup>1</sup> Only a "Party to the Appeal" may file an objection. Rules Governing Appeals of Claim Determinations r. 32(a). "Party to the Appeal" refers to a "Settlement Class Member whose Claim is involved in the Appeal . . ." *Id.* r. 3(l). "Appeal" refers to "an appeal from an Appealable Notice issued by the Claims Administrator on a Claim." *Id.* r. 3(a). "Appealable Notice" refers to "a notice issued by the Claims Administrator announcing its final determination on a Claim, including an award on an eligible Claim (Notice of Monetary Award Claim Determination . . . ) or a denial on an ineligible Claim (Notice of Denial of Monetary Award Claim . . . )." *Id.* r. 3(d).

Taken together, "Party to the Appeal" means a Settlement Class Member whose Claim is involved in an appeal from a notice issued by the Claims Administrator announcing its *final determination on a Claim*. Davenport has not received a final determination on his claim. So, at this stage, he is not a "Party to the Appeal" who may file an objection.

**AND NOW**, on this 20th day of November, 2020, it is **ORDERED** that Davenport's "Objection" to the Special Masters' Conclusion of Law (Doc. No. 227737) is **DENIED** **WITHOUT PREJUDICE.**

s/ ANITA B. BRODY

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ANITA B. BRODY, J.